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## Policy Memorandum

**To:** Stakeholders and Interested Parties

**From:** Miles McEvoy, Deputy Administrator

**Subject:** Evaluation of Materials Used in Organic Crop, Livestock, and Handling Operations

**Date:** Revised – August 6, 2013. Original Issue Date – January 21, 2011.

Organic producers and handlers must provide a complete list of substances used in production and handling in their Organic System Plan (OSP). This list includes fertilizers, soil amendments, potting soil, crop production aids, and pest control materials used in crop production; livestock feed, feed supplements, feed additives, medications, and livestock production aids used in livestock production; and ingredients, processing aids, post-harvest handling substances, sanitizers, and facility pest control materials used in processing and handling. Accredited certifying agents must evaluate this list to determine compliance with U.S. Department of Agriculture (USDA) organic regulations and then communicate acceptance of the materials prior to organic producers and handlers using the materials.

The National Organic Program (NOP) allows certifying agents to recognize product reviews done by certain entities. These entities evaluate products for compliance with the USDA organic regulations and include: 1) other certifying agents; 2) the U.S. Environmental Protection Agency (EPA); and 3) material evaluation programs accredited to International Organization for Standardization (ISO) Guide 17065 (formerly ISO Guide 65). All certifying agents must verify that materials used by certified organic operations comply with the USDA organic regulations, including the National List of Allowed and Prohibited Substances, and any annotations provided therein. (See 7 CFR 205.601-606).

For branded (formulated) products, certifying agents have three options available for determining compliance:

1. Certifying agents can verify that the product complies by evaluating the product and all of the ingredients within the product (e.g., contacting the supplier/ formulator/ manufacturer to obtain full disclosure of the ingredients in the product);
2. Certifying agents may consult with another certifying agent who has evaluated the product and accept that certifying agent's determination of the product's compliance with the USDA organic regulations. The Washington State Department of Agriculture, as an accredited certifying agent, has a publicly available list of approved products available at <http://agr.wa.gov/FoodAnimal/Organic/MaterialsLists.aspx>; and



3. Certifying agents may consult with a reputable third party source (e.g., EPA, or the Organic Materials Review Institute (OMRI)) that evaluates the product's compliance with the USDA organic regulations, and accept their determination. OMRI has a publicly available list of approved products available at <http://www.omri.org/omri-lists>.

In all cases, the certifying agent must maintain documentation to support its determinations about the status of product compliance with the regulations.

### **Products with Multiple Reviews**

Some manufacturers may submit their products for review to more than one certifying agent or material evaluation program. In the majority of cases, certifying agents and material evaluation programs reach the same determination regarding the allowance or prohibition of a product. On rare occasions, certifying agents and material evaluation programs reach different conclusions on whether the product complies with the USDA organic regulations.

In a case where certifying agents and material evaluation programs reach different conclusions on the allowance of a product, the NOP must be notified for a final determination on proper application of the regulations according to the following steps:

1. When a certifying agent or material evaluation program concludes that a product may not comply with the regulations, and that product is allowed by another certifying agent or material evaluation program, the certifying agent or material evaluation program must notify the NOP at [NOP.Guidance@ams.usda.gov](mailto:NOP.Guidance@ams.usda.gov).
2. The NOP will review information from both parties and determine whether the regulations have been properly applied. The NOP's determination will be limited to the application of the USDA organic regulations for generic materials; the NOP does not approve or endorse branded (formulated) input products.
3. If the NOP determines that the regulations have not been properly applied and, therefore, the product does not comply with the regulations, the NOP will instruct the certifying agent or material evaluation program to rescind its approval of the product.
4. The NOP will communicate the determination to all certifying agents and material evaluation programs with a timeline, if appropriate, for the discontinuation of product use by organic operations.

A decision made by certifying agents and reputable third party sources about the status of a branded (formulated) product remains in effect until the NOP notifies all certifying agents and material evaluation programs about the status of a material under the regulations.

**Document Control:** This document supersedes the original version, issued on January 21, 2011, and the revision, issued on October 31, 2011. This document also supersedes "Verification of



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Materials Memo” dated March 5, 2008, and “Documented Source of Approved & Prohibited Materials for Use in Organic Operations” dated July 16, 2004. These documents are now obsolete.